SBCivil Writ Petition No.5149/2006

Ram Chandra
Vs.
State of Rajasthan & Ors.

Date of Order :: 14th September, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. Mahaveer Bishnoi, for the petitioner.

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By an order dated 19.2.2002 the Superintendent of Police, Government Railway Police, Northern Railway, Jodhpur imposed a penalty of censor upon the petitioner for remaining absent from the duties for the period from 22.4.2001 to 9.10.2001. An appeal preferred giving challenge to the order aforesaid also came to be rejected by order dated 8.5.2002. A review petition filed by the petitioner also stood rejected by Government of Rajasthan under an order dated 3.8.2005.

While giving challenge to the order passed by the disciplinary authority and the order subsequent thereto affirming the same it is contended by counsel for the petitioner that the petitioner remained absent from duties as he was suffering from acute illness and as such the absence from duties was not wilful.

I do not find any force in the contention so raised. The disciplinary authority in its order dated

19.2.2002 in an unambiguous terms stated that the petitioner remained absent from service only to avoid smooth conduct of the disciplinary proceedings undergoing against him in accordance with Rule 16 of the Rajasthan Civil Services (Classification, Control & Appeal) Rules, 1958 . It is also stated by the disciplinary authority that on information it was found that the delinquent employee was not available at his residence but was gone to Jodhpur. The order passed by the disciplinary authority is based on sound appreciation of evidence available on record and that does not warrant any interference of this Court under Articles 226 and 227 of the Constitution of India. It is pertinent to note that for an absence of more than 170 days a punishment of censor is imposed upon the petitioner and I am of the view that quite a lenient view has already been taken by the departmental authorities and as such no interference of this Court is required.

Accordingly, this petition for writ is dismissed.

(GOVIND MATHUR),J.

kkm/ps.